

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Erkki Reuhkala <i>et al.</i>	Confirmation No.: 2390
Application No.: 10/534,083	Examiner: TORRES, MARCOS L
Filed: May 5, 2005	Group Art Unit: 2617

For: PROVIDING ROUTING INFORMATION IN A COMMUNICATION SYSTEM

Commissioner for Patents
Alexandria, VA 22313-1450

APPEAL BRIEF

Dear Sir:

This Appeal Brief is submitted in support of the Notice of Appeal dated February 25, 2011.

I. REAL PARTY IN INTEREST

The real party in interest is Nokia Corporation, a corporation organized under the laws of Finland and having a place of business at Keilalahdentie 4, FIN-02150 Espoo, Finland. The above referenced patent application is assigned to Nokia Corporation.

II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals and interferences.

III. STATUS OF THE CLAIMS

Claims 1-20, 22-25, 27, and 29-31 are pending in this appeal, where claims 21, 26, and 28 have previously been canceled. No claim is allowed. This appeal is therefore taken from the final rejection of claims 1-20, 22-25, 27, and 29-31 in the Final Office Action dated November 26, 2010 (“Final Office Action”).

IV. STATUS OF AMENDMENTS

No Amendment has been filed subsequent to the issuance of the Final Office Action on November 26, 2010.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The claimed invention addresses problems associated with roaming and the costs associated with roaming. Specifically, the cost of roaming, and especially international roaming to mobile users, can be relatively high compared to home network mobile communications or Public Switched Telephone Network (PSTN) communications via, for instance, fixed telephone lines from a foreign country. Although it could be possible to rely more on fixed line connections when roaming, it would mean that the advantage of mobility is lost. The claimed invention generally relates to mobile telecommunications, and, more specifically, to providing routing information for establishing connections involving at least one mobile station over a communication system.

Independent claim 1 reads as follow:

1. A method comprising:

receiving, via a terminal, location dependent routing information including information regarding different routes for a connection to another terminal according to location of the terminal (*see, e.g.*, ¶¶ [0011], [0023], [0027], [0029]); and
determining to establish via the terminal, the connection, wherein the connection is automatically selected based on the location of the terminal transparently from a user of the terminal (*see, e.g.*, ¶¶ [0011], [0015], [0023], [0027], [0029]), wherein the location dependent routing information includes a local call-in number for performing two-stage dialing to establish the connection via a first access point of a first communication network accessible using the local call-in number (*see, e.g.*, ¶¶ [0036], [0041], [0043], [0076], [0077], [0078], [0096]), and wherein routing is to the other terminal in a second communication network using a second access point of the second communication network via a third communication network comprising an internal communication network of the terminal and the other terminal (*see, e.g.*, ¶¶ [0043], [0047], [0048], [0074]).

Claim 4 reads as follows:

4. A method as claimed in claim 1, said receiving comprising receiving at least two sets of location dependent routing information in the terminal, and determining to select information

from one of the sets of routing information based on the location of the terminal (*see, e.g.*, ¶¶ [0032], [0064]).

Independent claim 23 reads as follow:

23. A computer-readable storage medium carrying one or more sequences of one or more instructions which, when executed by one or more processors, cause an apparatus to at least perform the following steps:

receiving said location dependent routing information and storing said location dependent routing information on said storage medium, said location dependent routing information received by the terminal including information regarding different routes for a connection to another terminal according to location of the terminal (*see, e.g.*, ¶¶ [0011], [0023], [0027], [0029]); and

determining to establish the connection, wherein the connection is selected based on the location of the terminal (*see, e.g.*, ¶¶ [0011], [0015], [0023], [0027], [0029]), wherein the location dependent routing information includes a local call-in number for performing two-stage dialing to establish the connection via a first access point of the first communication network accessible using the local call-in number (*see, e.g.*, ¶¶ [0036], [0041], [0043], [0076], [0077], [0078], [0096]), wherein routing is to the other terminal in a second communication network using a second access point of the second communication network via a third communication network comprising an internal communication network of the terminal establishing and the other terminal (*see, e.g.*, ¶¶ [0043], [0047], [0048], [0074]).

Independent claim 24 reads as follow:

24. A terminal apparatus comprising:

at least one processor; and

at least one memory including computer program code for one or more programs,

the at least one memory and the computer program code configured to, with the at least one processor, cause the apparatus to perform at least the following:

receiving location dependent routing information including information regarding different routes for a connection to another terminal apparatus according to location of the terminal apparatus (*see, e.g.*, ¶¶ [0011], [0023], [0027], [0029]); and

determining to establish the connection the connection is automatically selected based on the location of the terminal apparatus transparently from a user of the terminal (*see, e.g.*, ¶¶ [0011], [0015], [0023], [0027], [0029]), wherein the location dependent routing information includes a local call-in number for performing two-stage dialing to establish the connection via a first access point in a first communication network accessible apparatus using the local call-in number (*see, e.g.*, ¶¶ [0036], [0041], [0043], [0076], [0077], [0078], [0096]), and wherein routing is to the other terminal in a second communication network using a second access point of the second communication network via a third communication network comprising an internal communication network of the terminal and the other terminal (*see, e.g.*, ¶¶ [0043], [0047], [0048], [0074]).

Independent claim 25 reads as follow:

25. A terminal comprising:

an input device for input of location dependent routing information for use in establishing a connection over a communication system, said location dependent routing information being provided to the terminal including information regarding different routes for a connection to another terminal according to location of the terminal (*see, e.g.*, ¶¶ [0011], [0023], [0027], [0029]);

a processor for processing information associated with the location of the terminal and configured to automatically select routing information from the location dependent routing information for connection establishment based on the location thereof transparently from a user of the terminal (*see, e.g.*, ¶¶ [0011], [0015], [0023], [0027], [0029]); and

connection establishment device for initiating establishment of a connection to the other terminal based on the selected routing information, wherein said location dependent routing information includes a local call-in number for performing two-stage dialing to establish the connection via a first access point of a first communication network accessible using the local call-in number (*see, e.g.*, ¶¶ [0036], [0041], [0043], [0076], [0077], [0078], [0096]), and wherein routing is to the other terminal in a second communication network using a second access point of the second communication network via a third communication network comprising an internal communication

network of the terminal and the other terminal (*see, e.g.*, ¶¶ [0043], [0047], [0048], [0074]).

Independent claim 29 reads as follow:

29. A routing server configured to store location dependent routing information to receive information of the location of a station, to modify the location dependent routing information based on the location of the station and to transmit location dependent routing information to the station (*see, e.g.*, ¶¶ [0050], [0060], [0062], [0065]), said location dependent routing information being provided to the station including information regarding different routes for a connection to another terminal selected by the station according to location of the station (*see, e.g.*, ¶¶ [0011], [0015], [0023], [0027], [0029]), wherein said location dependent routing information includes a local call-in number for automatically performing two-stage dialing that is transparent to a user of the station to establish the connection via a first access point of a first communication network accessible using the local call-in number (*see, e.g.*, ¶¶ [0036], [0041], [0043], [0076], [0077], [0078], [0096]), wherein routing is to the other terminal in a second communication network using a second access point of the second communication network via a third communication network comprising an internal communication network of the station and the other terminal (*see, e.g.*, ¶¶ [0043], [0047], [0048], [0074]).

Independent claim 30 reads as follow:

30. A method, comprising:

receiving location dependent routing information in a terminal via an input device of the terminal for use in establishing a connection over a communication system, said location dependent routing information including information regarding different routes for a connection to another terminal according to a location of the terminal (*see, e.g.*, ¶¶ [0011], [0023], [0027], [0029]),

processing in a processor in the terminal information associated with the location of the terminal for automatically selecting routing information from the location dependent routing information for connection establishment based on the location thereof (*see, e.g.*, ¶¶ [0011], [0015], [0023], [0027], [0029]), and

determining to initiate via the terminal, the establishment of said connection to the other terminal based on the selected routing information, wherein said location dependent routing information includes a local call-in number for performing two-stage dialling transparent to a user of said terminal to establish the connection via a first access point of a first communication network accessible using the local call-in number (*see, e.g.*, ¶¶ [0036], [0041], [0043], [0076], [0077], [0078], [0096]), and wherein routing is to aid the other terminal in a second communication network using a second access point of the second communication network via a third communication network comprising an internal communication network of the terminal and the other terminal (*see, e.g.*, ¶¶ [0043], [0047], [0048], [0074]).

Independent claim 31 reads as follow:

31. A method, comprising:

determining to store location dependent routing information in a routing server (*see, e.g.*, ¶¶ [0011], [0023], [0027], [0029]),

receiving at the routing server information on a location of a terminal (*see, e.g.*, ¶¶ [0066], [0105]),

determining to modify at the routing server the location dependent routing information based on the received information on the location of the terminal (*see, e.g.*, ¶¶ [0066], [0105]),

and

determining to transmit from the routing server to the terminal the location dependent routing information including information regarding different routes for a connection to another terminal, wherein the connection is selected according to the location of the terminal (*see, e.g.*, ¶¶ [0011], [0015], [0023], [0027], [0029]), wherein the location dependent routing information includes a local call-in number for performing two-stage dialing transparently to a user of the terminal to establish the connection via a first access point in a first communication network accessible using a local call-in number (*see, e.g.*, ¶¶ [0036], [0041], [0043], [0076], [0077], [0078], [0096]), and wherein routing is to the other terminal in a second communication network using a second access point of the second communication network via a third communication network comprising an internal communication network of the terminal and the other terminal (*see, e.g.*, ¶¶ [0043], [0047], [0048], [0074]).

Appellants note that “wireless local area network” in claim 9 should be wireless “local area network” and that “dialling” in claim 30 should be “dialing,” and will amended claims 9 and 30 to correct the misspelled terms before the application is passed to issue.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether claim 23 was properly rejected under the first paragraph of 35 U.S.C. §112 for lack of adequate descriptive support.

B. Whether claims 1, 2, 4-9, 17, 18, 23, 24, and 30 were properly rejected under 35 U.S.C. §103(a) as obvious based on *Davenport* (U.S. Publication No. 2002/0082044) (“*Davenport*”) in view of *Britt et al.* (U.S. Patent No. 6,424,832) (“*Britt*”) in further view of *Berkowitz et al.* (U.S. Patent No. 7,133,678) (“*Berkowitz*”).

C. Whether claims 25, 27, and 29 were properly rejected under 35 U.S.C. §103(a) as obvious based on *Dennison et al.* (U.S. Patent No. 6,847,822) (“*Dennison*”) in view of *Moon et al.* (U.S. Patent No. 7,295,844) (“*Moon*”) in further view of *Britt* in further view of *Berkowitz*.

D. Whether claims 10-12, 15, and 19 were properly rejected under 35 U.S.C. §103(a) as obvious based on *Davenport* in view of *Britt* in further view of *Berkowitz* in further view of *Dennison*.

E. Whether claims 3, 10, 13, 14, 20, and 22 were properly rejected under 35 U.S.C. §103(a) as obvious based on *Davenport* in view of *Britt* in further view of *Berkowitz* in further view of *Silver et al.* (U.S. Patent No. 7,162,237) (“*Silver*”).

F. Whether claim 16 was properly rejected under 35 U.S.C. §103(a) as obvious based on *Davenport* in view of *Britt* in further view of *Berkowitz* in further view of *Dennison* in further view of *Silver*.

G. Whether claim 31 was properly rejected under 35 U.S.C. §103(a) as obvious based on *Davenport* in view of *Dougherty et al.* (U.S. Patent No. 6,831,902) in further view of *Britt* in further view of *Berkowitz*.

VII. ARGUMENT**A. The Rejection of Claim 23 Under 35 U.S.C. § 112, First Paragraph, is Improper Because the Specification Contains Adequate Descriptive Support for the Feature of a “Computer-Readable Storage Medium,” as Recited in Claim 23.**

The MPEP specifies that an applicant for patent satisfies the written description requirement by conveying with reasonable clarity to those of skill in the art that the applicant was in possession of the invention as claimed. *See MPEP*, § 2163.02 (citing *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991)) (*emphasis added*). The MPEP further states that “[t]he test for sufficiency of support in a parent application is whether the disclosure of the application relied upon ‘reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter.’” *Id.* (citing *Ralston Purina Co. v. Far-Mar-Co., Inc.*, 772 F.2d 1570, 1575, 227 USPQ 177, 179 (Fed. Cir. 1985) (quoting *In re Kaslow*, 707 F.2d 1366, 1375, 217 USPQ 1089, 1096 (Fed. Cir. 1983))). Moreover, the exact language of the claim need not be employed in order to satisfy the written description requirement. *See MPEP*, § 2163.02(I)(B) (“The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.”); and § 2163 (“While there is no *in haec verba* requirement, newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure.”) (*emphasis added*).

As such, Appellants respectfully submit that the feature of a “computer-readable storage medium,” which forms the basis for the Examiner’s written description rejection, is sufficiently supported by the specification. For example, paragraph [0060] of the published application describes a mobile station with “memory means 310, such as an appropriate memory card.”

Because there is no question that a memory card is indeed a “computer-readable storage medium,” Applicants submit that the specification conveys with reasonable clarity to those of skill in the art that the Appellants were in possession of the invention as claimed. Therefore, claim 23 is in compliance with 35 U.S.C § 112, first paragraph. Appellants, therefore, respectfully request that the rejection of claim 23 under 35 U.S.C § 112, first paragraph, be reversed.

B. Claims 1, 2, 4-9, 17, 18, 23, 24, and 30 Are Not Rendered Obvious by Davenport in view of Britt in further view of Berkowitz Because the Cited References, Either Alone or in Combination, Fail to Disclose the All of the Claim Features.

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention under any statutory provision always rests upon the Examiner. *In re Mayne*, 104 F.3d 1339, 41 USPQ2d 1451 (Fed. Cir. 1997); *In re Deuel*, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995); *In re Bell*, 991 F.2d 781, 26 USPQ2d 1529 (Fed. Cir. 1993); *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner is required to provide a factual basis to support the obviousness conclusion. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967); *In re Lunsford*, 357 F.2d 385, 148 USPQ 721 (CCPA 1966); *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970).

In this case, independent claim 1 recites, *inter alia*: “**receiving, via a terminal, location dependent routing information including information regarding different routes for a connection to another terminal according to location of the terminal.**” (Emphasis added). Independent claim 23 recites, *inter alia*: “**receiving said location dependent routing information . . . by the terminal including information regarding different routes for a connection to another terminal according to location of the terminal.**” (Emphasis added).

Independent claim 24 recites, *inter alia*: “**A terminal apparatus . . . receiving location dependent routing information including information regarding different routes for a connection to another terminal apparatus according to location of the terminal apparatus.**”

(Emphasis added). Independent claim 30 recites, *inter alia*: “**receiving location dependent routing information in a terminal via an input device of the terminal . . . , said location dependent routing information including information regarding different routes for a connection to another terminal according to a location of the terminal.**” (Emphasis added).

In an attempt to satisfy the above claim features, the Examiner, on page 4 of the Final Office Action, refers to paragraphs [0011], [0013], and [0017] of *Davenport*, the relevant portions of which are reproduced below (emphasis added):

[0011] FIG. 1 is a block diagram illustration of the components used in the present invention. A software defined radio 10 resides on a remote mobile asset 12, such as train, bus or truck. The remote asset 12 could be one asset in a fleet of mobile remote assets. The radio 10 is part of a system 5 that comprises the radio 10 connected to a radio controller 14, **a database 16 containing information about wireless networks 27, and a second database 18 containing data about pre-selected radio and television broadcast channels 26.** The first database 16, which contains wireless network information, includes such network information as coverage area, data transfer capability and service activation/authorization. . . .

[0013] The remote asset 12 also has an antenna 20 for transmitting and receiving information over a wireless network from a central service facility 22. **The central service facility 22 also maintains a wireless data network database 24 and a broadcast media database 29.** In one embodiment, the central service facility's wireless data network data bases 24 and 29 are master databases where **the wireless network databases [sic] 16 and 18 residing on the remote asset 12 are subsets of the central service facility's database 24 and 29**, respectively. . . . In operation, the central service facility 22 can send updates from its wireless network database 24 to the remote asset's wireless network database 16 and/or from its broadcast media database 29 to the remote asset's broadcast media database 18.

[0017] Under either approach, using handset-based location technology, steps 34, 36, using network-based location technology, steps 38, or using media broadcast channels to determine location, steps 40, 42, 44, **the next step, step 46, is to match the estimated mobile asset location information against the wireless data network database 16 to determine those wireless data networks providing coverage at that geographic location. The next step, step 48, is to select an accessible wireless data network 27. . . .**

Based on the above context, Applicants assume that the Examiner has interpreted the remote asset 12 as the terminal allegedly receiving the location dependent routing information and the “information about wireless networks 27” as the location dependent routing information. However, as described above and depicted in figure 1, the remote asset 12 already contains the “information about wireless networks 27” because the database 16 which contains such information is stored inside the remote asset 12. Thus, because the remote asset 12 already stores such information, the remote asset 12 does not receive the location dependent routing information for connection to another terminal according to the location of the remote asset 12.

Moreover, the above reference merely describes “a database 16 containing information about wireless networks 27, which includes “such network information as coverage area, data transfer capability and service activation/authorization.” (Emphasis added). If the Examiner is indeed interpreting “information about wireless networks 27” as the claimed location dependent routing information, “such network information as coverage area, data transfer capability and service activation/authorization” does not include information regarding different routes. In fact, there is nothing in the rest of the *Davenport* reference that demonstrates otherwise, and the additional references to *Britt* and *Berkowitz* do not cure the shortcomings of *Davenport*. As a result, the applied references do not disclose, or render obvious, the features of **receiving, via a terminal, location dependent routing information including information regarding different routes for a connection to another terminal according to location of the terminal.**

In addition, claim 4 recites, *inter alia*: “receiving at least two sets of location dependent routing information in the terminal, and determining to select information from one of the sets of routing information based on the location of the terminal.” (Emphasis added). Again, in an attempt to satisfy the above feature, the Examiner, on page 5 of the Final Office Action, refers to paragraphs [0011], [0013], and [0017] (reproduced above), and notes that figure 1 shows “two networks, thereby [providing] two different [sets of] routing information.” Nonetheless, simply because the figure 1 depicts two wireless data networks does not imply that at least two sets of location dependent routing information are provided to the terminal (e.g., remote asset 12). Indeed, *Davenport* states, in paragraph [0013], that the information stored in database 16 is a subset of the central service facility's database 24. Although the central service facility “can send updates from its wireless network database 24 to the remote asset's wireless network database 16,” there is no indication made to even suggest providing two different sets such that information is selected from one of the sets based on the location of the terminal. Further, the additional references to *Britt* and *Berkowitz* do not cure *Davenport*'s shortcomings. Therefore, the applied references do not disclose, or render obvious, the features of **receiving at least two sets of location dependent routing information in the terminal, and determining to select information from one of the sets of routing information** based on the location of the terminal.

Thus, for at least the reasons discussed above, Applicant respectfully submit that the applied references fail to disclose, or render obvious, all of the features of independent claims 1, 23, 24, and 30. In addition, the dependent claims also are considered allowable for at least the reasons advanced for the independent claims from which they variously depend, as well as for the various features the dependent claims recite. For example, and as discussed above, the applied

references fail to disclose, or render obvious, the features of claim 4. Appellants therefore submit that the imposed rejection of claims 1, 2, 4-9, 17, 18, 23, 24, and 30 for obviousness predicated upon *Davenport* in view of *Britt* in further view of *Berkowitz* under 35 U.S.C. §103(a) is not factually or legally viable and, hence, solicit the Honorable Board to reverse the rejection.

C. Claims 25, 27, and 29 Are Not Rendered Obvious by *Dennison* in view of *Moon* in further view of *Britt* in further view of *Berkowitz*. Because the Cited References, Either Alone or in Combination, Fail to Disclose the All of the Claim Features.

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention under any statutory provision always rests upon the Examiner. *In re Mayne*, 104 F.3d 1339, 41 USPQ2d 1451 (Fed. Cir. 1997); *In re Deuel*, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995); *In re Bell*, 991 F.2d 781, 26 USPQ2d 1529 (Fed. Cir. 1993); *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner is required to provide a factual basis to support the obviousness conclusion. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967); *In re Lunsford*, 357 F.2d 385, 148 USPQ 721 (CCPA 1966); *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970).

In this case, independent claims 25 and 29 recite, *inter alia*: “**said location dependent routing information being provided to the terminal [or station] including information regarding different routes for a connection to another terminal according to location of the terminal [or station].” (Emphasis added). The Examiner, on pages 11 and 12 of the Final Office Action, states that *Dennison* “discloses a terminal . . . comprising: input for input of location dependent routing information for use in establishing a connection over the communication system; and connection establishment for initiating establishment of a connection to another terminal based on the location dependent routing information.” In doing so, the**

Examiner does not allege that *Dennison* discloses, or renders obvious, the above features of independent claims 25 and 29. In fact, the Examiner does not even claim that the above features are taught by the references to *Moon, Britt, or Berkowitz*. Indeed, the features of the location dependent routing information being provided to the terminal for a connection to another terminal according to the location of the terminal is not disclosed, or rendered obvious, by the applied references.

Even assuming, *arguendo*, that the Examiner intended to allege that the above features are described in *Dennison*, the Examiner merely refers to columns 11-12, lines 49-39. It is noted that Applicants assume that the Examiner meant to cite in the Final Office Action to *Dennison et al.* (U.S. Patent No. 6,847,822) based on previous Office Actions. As such, the relevant portions of column 11-12, lines 49-39 of *Dennison* are reproduced below (emphasis added):

If the Communications Device (CD), is located within the serving system's boundaries, the exact geographic location (EGL) is re-established, block 216 and recorded, block 217 for billing or other purposes. If the Communications Device (CD) is determined to be located outside of the serving system's boundaries, then the exact geographic location (EGL) is compared to the neighboring system boundaries, block 208 and block 212 on an interactive basis until the system that is authorized to serve the Communications Device (CD) at the current exact geographic location (EGL) is determined. **In addition to the reference tables that assign the service provider, the communication data, blocks 209, 213 also identifies the means of transferring control of the Communications Device (CD) from one system to another. Once the correct system is identified, the Communications Device (CD) is commanded to establish communications with the proper cell site within the correct system 211, 215. An example of this would be commanding the Communications Device (CD) to tune to the neighboring system's control channel. . . .**

Once the exact geographic location (EGL) is established the routing selection for the Communication Process (CP) is begun, block 107. FIG. 9B shows that the first step is to identify the Communications Device (CD), block 401 so that the service characteristics, block 402 can be identified. A determination is then made as to whether or not service is to be provided, block 403. . . .

At best, the above reference simply describes a system that determines the service provider for the Communication Device (CD) and subsequently causes the Communication Device to establish communication with the “correct system” associated with the determined service provider. However, there is no mention of the Communication Device being provided the location dependent routing information for connection to another terminal according to the location of the Communication Device. As discussed, such features are not disclosed, or rendered obvious, by the applied references.

Moreover, the features of the provided information including information regarding different routes for a connection to another terminal according to location of the terminal are also absent from the applied references. The Examiner correctly states, on page 12 of the Final Office Action, that *Dennison* does not disclose such features. In an attempt an attempt to overcome the deficiencies of *Dennison*, the Examiner argues that *Moon* “discloses including information regarding different routes for a connection according to the location of the terminal.” In doing so, the Examiner refers to columns 8-9, lines 47-30. Nonetheless, the reference merely offers the use of routing algorithms by a router “to build and maintain one or more routing tables,” which contain route information. As such, *Moon* does not even describe information regarding different routes for a connection to another terminal according to the location of the terminal much less the above features of the provided information (to the terminal) including information regarding different routes for a connection to another terminal according to the location of the terminal. Furthermore, Applicants submit that the additional references to *Britt* and *Berkowitz* do not cure the shortcomings of *Dennison* and *Moon*. As a result, the applied references do not disclose, or render obvious, the features of **the location dependent routing information being provided to**

the terminal including information regarding different routes for a connection to another terminal according to location of the terminal.

Thus, for at least the reasons discussed above, Applicant respectfully submit that the applied references fail to disclose, or render obvious, all of the features of independent claims 25 and 29. In addition, the dependent claims also are considered allowable for at least the reasons advanced for the independent claims from which they variously depend, as well as for the various features the dependent claims recite. Appellants therefore submit that the imposed rejection of claims 25, 27, and 29 for obviousness predicated upon *Dennison* in view of *Moon* in further view of *Britt* and *Berkowitz* under 35 U.S.C. §103(a) is not factually or legally viable and, hence, solicit the Honorable Board to reverse the rejection.

D. Claims 10-12, 15, and 19 Are Not Rendered Obvious by *Davenport* in view of *Britt* in further view of *Berkowitz* in further view of *Dennison* Because the Cited References, Either Alone or in Combination, Fail to Disclose the All of the Claim Features.

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention under any statutory provision always rests upon the Examiner. *In re Mayne*, 104 F.3d 1339, 41 USPQ2d 1451 (Fed. Cir. 1997); *In re Deuel*, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995); *In re Bell*, 991 F.2d 781, 26 USPQ2d 1529 (Fed. Cir. 1993); *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner is required to provide a factual basis to support the obviousness conclusion. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967); *In re Lunsford*, 357 F.2d 385, 148 USPQ 721 (CCPA 1966); *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970).

Claims 10-12, 15, and 19 depend from independent claim 1, and the rejection applies the cited combination of *Davenport* in view of *Britt* and *Berkowitz* to claims 10-12, 15, and 19 on the

same bases as with the § 103(a) rejection of independent claim 1 (addressed in Section B, above). Appellants, therefore, incorporate herein the arguments presented above in Section B with respect to the application of the cited combination of *Davenport* in view of *Britt* and *Berkowitz* to claims 10-12, 15, and 19, accordingly. Applicants submit, however, that the additional reference to *Dennison* also fails to disclose the claimed features of the terminal receiving the location dependent routing information including information regarding different routes in the manner as recited by independent claim 1, and thus fails to cure the foregoing deficiencies of *Davenport* in view of *Britt* and *Berkowitz*. Accordingly, for at least the foregoing reasons, neither *Davenport*, *Britt*, *Berkowitz*, and *Dennison* alone, nor the combination of *Davenport* in view of *Britt* and *Berkowitz*, and in further view of *Dennison*, render claims 10-12, 15, and 19 obvious under 35 U.S.C. § 103(a). Therefore, Applicants solicit the Honorable Board to reverse the rejection.

E. Claims 3, 10, 13, 14, 20, and 22 Are Not Rendered Obvious by *Davenport* in view of *Britt* in further view of *Berkowitz* in further view of *Silver* Because the Cited References, Either Alone or in Combination, Fail to Disclose the All of the Claim Features.

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention under any statutory provision always rests upon the Examiner. *In re Mayne*, 104 F.3d 1339, 41 USPQ2d 1451 (Fed. Cir. 1997); *In re Deuel*, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995); *In re Bell*, 991 F.2d 781, 26 USPQ2d 1529 (Fed. Cir. 1993); *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner is required to provide a factual basis to support the obviousness conclusion. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967); *In re Lunsford*, 357 F.2d 385, 148 USPQ 721 (CCPA 1966); *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970).

Claims 3, 10, 13, 14, 20, and 22 depend from independent claim 1, and the rejection applies the cited combination of *Davenport* in view of *Britt* and *Berkowitz* to claims 3, 10, 13, 14, 20, and 22 on the same bases as with the § 103(a) rejection of independent claim 1 (addressed in Section B, above). Appellants, therefore, incorporate herein the arguments presented above in Section B with respect to the application of the cited combination of *Davenport* in view of *Britt* and *Berkowitz* to claims 3, 10, 13, 14, 20, and 22, accordingly. Applicants submit, however, that the additional reference to *Silver* also fails to disclose the claimed features of the terminal receiving the location dependent routing information including information regarding different routes in the manner as recited by independent claim 1, and thus fails to cure the foregoing deficiencies of *Davenport* in view of *Britt* and *Berkowitz*. Accordingly, for at least the foregoing reasons, neither *Davenport*, *Britt*, *Berkowitz*, and *Silver* alone, nor the combination of *Davenport* in view of *Britt* and *Berkowitz*, and in further view of *Silver*, render claims 3, 10, 13, 14, 20, and 22 obvious under 35 U.S.C. § 103(a). Therefore, Applicants solicit the Honorable Board to reverse the rejection.

F. Claim 16 is Not Rendered Obvious by *Davenport* in view of *Britt* in further view of *Berkowitz* in further view of *Dennison* in further view of *Silver* Because the Cited References, Either Alone or in Combination, Fail to Disclose the All of the Claim Features.

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention under any statutory provision always rests upon the Examiner. *In re Mayne*, 104 F.3d 1339, 41 USPQ2d 1451 (Fed. Cir. 1997); *In re Deuel*, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995); *In re Bell*, 991 F.2d 781, 26 USPQ2d 1529 (Fed. Cir. 1993); *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner is required to provide a factual basis to support the obviousness conclusion. *In re Warner*, 379 F.2d

1011, 154 USPQ 173 (CCPA 1967); *In re Lunsford*, 357 F.2d 385, 148 USPQ 721 (CCPA 1966); *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970).

Claim 16 depends from independent claim 1, and the rejection applies the cited combination of *Davenport* in view of *Britt* and *Berkowitz* to claim 16 on the same bases as with the § 103(a) rejection of independent claim 1 (addressed in Section B, above). Appellants, therefore, incorporate herein the arguments presented above in Section B with respect to the application of the cited combination of *Davenport* in view of *Britt* and *Berkowitz* to claim 16. Applicants submit, however, that the additional references to *Dennison* and *Silver* also fail to disclose the claimed features of the terminal receiving the location dependent routing information including information regarding different routes in the manner as recited by independent claim 1, and thus fail to cure the foregoing deficiencies of *Davenport* in view of *Britt* and *Berkowitz*. Accordingly, for at least the foregoing reasons, neither *Davenport*, *Britt*, *Berkowitz*, and *Silver* alone, nor the combination of *Davenport* in view of *Britt* and *Berkowitz*, and further in view of *Dennison* and *Silver*, render claim 16 obvious under 35 U.S.C. § 103(a). Therefore, Applicants solicit the Honorable Board to reverse the rejection.

F. Claim 31 is Not Rendered Obvious by *Davenport* in view of *Dougherty* in further view of *Britt* in further view of *Berkowitz*. Because the Cited References, Either Alone or in Combination, Fail to Disclose the All of the Claim Features.

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention under any statutory provision always rests upon the Examiner. *In re Mayne*, 104 F.3d 1339, 41 USPQ2d 1451 (Fed. Cir. 1997); *In re Deuel*, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995); *In re Bell*, 991 F.2d 781, 26 USPQ2d 1529 (Fed. Cir. 1993); *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner is

required to provide a factual basis to support the obviousness conclusion. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967); *In re Lunsford*, 357 F.2d 385, 148 USPQ 721 (CCPA 1966); *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970).

Claim 31 depends from independent claim 1, and the rejection applies the cited combination of *Davenport* in view of *Britt* and *Berkowitz* to claim 31 on the same bases as with the § 103(a) rejection of independent claim 1 (addressed in Section B, above). Appellants, therefore, incorporate herein the arguments presented above in Section B with respect to the application of the cited combination of *Davenport* in view of *Britt* and *Berkowitz* to claim 31. Applicants submit, however, that the additional reference to *Dougherty* also fails to disclose the claimed features of the terminal receiving the location dependent routing information including information regarding different routes in the manner as recited by independent claim 1, and thus fails to cure the foregoing deficiencies of *Davenport* in view of *Britt* and *Berkowitz*. Accordingly, for at least the foregoing reasons, neither *Davenport*, *Britt*, *Berkowitz*, and *Dougherty* alone, nor the combination of *Davenport* in view of *Britt* and *Berkowitz*, and further in view of *Dougherty*, render claim 31 obvious under 35 U.S.C. § 103(a). Therefore, Applicants solicit the Honorable Board to reverse the rejection.

VIII. CONCLUSION AND PRAYER FOR RELIEF

Based on the foregoing, Appellants request the Honorable Board to reverse each of the Examiner's rejections.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

April 22, 2011
Date

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IX. CLAIMS APPENDIX

1. A method comprising:

receiving, via a terminal, location dependent routing information including information regarding different routes for a connection to another terminal according to location of the terminal; and

determining to establish via the terminal, the connection, wherein the connection is automatically selected based on the location of the terminal transparently from a user of the terminal, wherein the location dependent routing information includes a local call-in number for performing two-stage dialing to establish the connection via a first access point of a first communication network accessible using the local call-in number, and wherein routing is to the other terminal in a second communication network using a second access point of the second communication network via a third communication network comprising an internal communication network of the terminal and the other terminal.

2. A method as claimed in claim 1, wherein the determination to establish the connection comprises determining to initiate the connection establishment by the terminal.

3. A method as claimed in claim 1, wherein the determination to establish the connection comprises determining to initiate the connection establishment by a terminal other than the terminal.

4. A method as claimed in claim 1, said receiving comprising receiving at least two sets of location dependent routing information in the terminal, and determining to select information from one of the sets of routing information based on the location of the terminal.

5. A method as claimed in claim 4, wherein the at least two sets of location dependent routing information comprise sets of routing information for use in the home network and in at least one visited network.

6. A method as claimed in claim 5, further comprising receiving by the terminal in a roaming situation the set of routing information relating to the visited network in which the station is roaming.

7. A method as claimed in claim 1, wherein a cost of the connection is optimized based on the location dependent routing information.

8. A method as claimed in claim 1, further comprising determining to update the location dependent routing information in response to an event.

9. A method as claimed in claim 8, wherein the determination to update is triggered by one of the following: predetermined change in location of the terminal, connection set-up by the terminal, a request for update, receipt of information from a subscriber information database of a home network of the terminal, change in the routing information associated with an individual terminal, detection of wireless local area network, detection of personal area network, or change in presence status.

10. A method as claimed in claim 1, said determination to establish the connection comprising determining to route the connection via a first communication network serving a

calling terminal, a second communication network serving a called terminal and a third communication network.

11. A method as claimed in claim 10, wherein said determination to route comprises determining to route the connection via an access point entity interfacing the third communication network with at least one of the first and second communication networks.

12. A method as claimed in claim 11, further comprising ~~selecting~~ determining to select the access point entity based on the location of the station.

13. A method as claimed in claim 10, wherein the third communication network comprises a packet switched data network.

14. A method as claimed in claim 13, wherein communication of data over said data network is based on the Internet Protocol.

15. A method as claimed in claim 1, wherein the data storage is provided in a routing server, said terminal receiving said location dependent routing information comprising receiving a transmission of the location dependent routing information to the terminal.

16. A method as claimed in claim 15, further comprising determining to initiate a procedure for connection establishment by sending a voice command from the terminal to a routing server.

17. A method as claimed in claim 1, comprising determining the location of the terminal based on an indicator received from a communication network serving the terminal.

18. A method as claimed in claim 1, comprising determining the location of the terminal based on information regarding the geographical location of the terminal.

19. A method as claimed in claim 1, wherein said location dependent routing information received by said terminal is based on a computation of at least one additional set of location dependent routing information based on location dependent routing information stored in the data storage and a master set of routing information.

20. A method as claimed in claim 1, further comprising determining to input in the terminal a telephone number of the at least one other terminal, and ~~routing~~ determining to route the connection between the terminals based on the location dependent routing information.

21. (Canceled)

22. A method as claimed in claim 1, wherein one of the terminals is a computer, said establishing a connection comprising establishing a data connection between the terminal and the computer.

23. A computer-readable storage medium carrying one or more sequences of one or more instructions which, when executed by one or more processors, cause an apparatus to at least perform the following steps:

receiving said location dependent routing information and storing said location dependent routing information on said storage medium, said location dependent routing information received by the terminal including information regarding different routes for a connection to another terminal according to location of the terminal; and

determining to establish the connection, wherein the connection is selected based on the location of the terminal, wherein the location dependent routing information includes a local call-in number for performing two-stage dialing to establish the connection via a first access point of the first communication network accessible using the local call-in

number, wherein routing is to the other terminal in a second communication network using a second access point of the second communication network via a third communication network comprising an internal communication network of the terminal establishing and the other terminal.

24. A terminal apparatus comprising:

at least one processor; and

at least one memory including computer program code for one or more programs,

the at least one memory and the computer program code configured to, with the at least one processor, cause the apparatus to perform at least the following:

receiving location dependent routing information including information regarding different routes for a connection to another terminal apparatus according to location of the terminal apparatus; and

determining to establish the connection the connection is automatically selected based on the location of the terminal apparatus transparently from a user of the terminal, wherein the location dependent routing information includes a local call-in number for performing two-stage dialing to establish the connection via a first access point in a first communication network accessible apparatus using the local call-in number, and wherein routing is to the other terminal in a second communication network using a second access point of the second communication network via a third communication network comprising an internal communication network of the terminal and the other terminal.

25. A terminal comprising:

an input device for input of location dependent routing information for use in establishing a connection over a communication system, said location dependent routing information being provided to the terminal including information regarding different routes for a connection to another terminal according to location of the terminal;

a processor for processing information associated with the location of the terminal and configured to automatically select routing information from the location dependent routing information for connection establishment based on the location thereof transparently from a user of the terminal; and

connection establishment device for initiating establishment of a connection to the other terminal based on the selected routing information, wherein said location dependent routing information includes a local call-in number for performing two-stage dialing to establish the connection via a first access point of a first communication network accessible using the local call-in number, and wherein routing is to the other terminal in a second communication network using a second access point of the second communication network via a third communication network comprising an internal communication network of the terminal and the other terminal.

26. (Canceled)

27. A terminal as claimed in claim 25, comprising a memory for storing at least two sets of location dependent information, and configured to select information from one of the sets of information based on the location of the terminal.

28. (Canceled)

29. A routing server configured to store location dependent routing information, to receive information of the location of a station, to modify the location dependent routing information based on the location of the station and to transmit location dependent routing information to the station, said location dependent routing information being provided to the station including information regarding different routes for a connection to another terminal selected by the station according to location of the station, wherein said location dependent routing information includes a local call-in number for automatically performing two-stage dialing that is transparent to a user of the station to establish the connection via a first access point of a first communication network accessible using the local call-in number, wherein routing is to the other terminal in a second communication network using a second access point of the second communication network via a third communication network comprising an internal communication network of the station and the other terminal.

30. A method, comprising:

receiving location dependent routing information in a terminal via an input device of the terminal for use in establishing a connection over a communication system, said location dependent routing information including information regarding different routes for a connection to another terminal according to a location of the terminal,

processing in a processor in the terminal information associated with the location of the terminal for automatically selecting routing information from the location dependent routing information for connection establishment based on the location thereof, and

determining to initiate via the terminal, the establishment of said connection to the other terminal based on the selected routing information, wherein said location dependent routing information includes a local call-in number for performing two-stage dialling

transparent to a user of said terminal to establish the connection via a first access point of a first communication network accessible using the local call-in number, and wherein routing is to aid the other terminal in a second communication network using a second access point of the second communication network via a third communication network comprising an internal communication network of the terminal and the other terminal.

31. A method, comprising:

determining to store location dependent routing information in a routing server,
receiving at the routing server information on a location of a terminal,
determining to modify at the routing server the location dependent routing information based on the received information on the location of the terminal, and
determining to transmit from the routing server to the terminal the location dependent routing information including information regarding different routes for a connection to another terminal, wherein the connection is selected according to the location of the terminal, wherein the location dependent routing information includes a local call-in number for performing two-stage dialing transparently to a user of the terminal to establish the connection via a first access point in a first communication network accessible using a local call-in number, and wherein routing is to the other terminal in a second communication network using a second access point of the second communication network via a third communication network comprising an internal communication network of the terminal and the other terminal.

X. EVIDENCE APPENDIX

Appellants are unaware of any evidence that is required to be submitted in the present Evidence Appendix.

XI. RELATED PROCEEDINGS APPENDIX

Appellants are unaware of any related proceedings that are required to be submitted in the present Related Proceedings Appendix.